

Item # \_\_\_\_\_

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Prepared by: Dottie Jones

Approved by: Mary Bright  
County Attorney

RESOLUTION APPROVING A CONTRACT WITH STATE OF TENNESSEE DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES FOR THE PROVISION OF MENTAL HEALTH EVALUATION SERVICES FOR MISDEMEANANTS, AMENDING THE FY 2010 OPERATING BUDGET IN THE AMOUNT OF \$450,000.00 FOR THIS PURPOSE, APPROVING THE EXPENDITURE AND APPROPRIATION OF SAID FUNDS, AND SEEKING APPROVAL OF LEGISLATIVE EFFORT TO AMEND TENNESSEE CODE ANNOTATED TITLE 33, CHAPTER 7, PART 3 TO REPEAL CHANGES MADE IN 2009 THAT OBLIGATE LOCAL GOVERNMENT TO PAY FOR SAID SERVICES. THIS ITEM REQUIRES EXPENDITURE OF \$450,000.00. SPONSORED BY COMMISSIONER JW GIBSON.

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WHEREAS, T.C.A. Title 33, Chapter 7, Part 3 provides that, under the circumstances described therein, a general sessions, criminal, or circuit court may order a defendant, charged only with misdemeanor crimes, to undergo outpatient evaluation and treatment; and

WHEREAS, the State facilitates and arranges for the provision of said outpatient evaluation and treatment at Regional Mental Health Institutes (RMHIs); and

WHEREAS, T.C.A. Title 33, Chapter 7, Part 3 provides that, under the circumstances described therein, a general sessions, criminal, or circuit court may order a defendant, charged only with misdemeanor crimes, to be placed in a hospital or treatment resource, as defined by T.C.A. § 33-1-101 for the purposes of evaluation and for treatment necessary to the evaluation; and

WHEREAS, Courts handling cases arising out of or associated with the courts of Shelby County will from time to time order that a defendant charged only with misdemeanor crimes be evaluated and treated on an outpatient basis; and sometimes inpatient basis and receive treatment necessary to the evaluation, if inpatient, at one of the State's RMHIs; and

WHEREAS, Tennessee Code Annotated was amended in 2009 to statutorily obligate the local government in all such cases to pay the cost of outpatient and inpatient evaluation and treatment necessary to the evaluation; and

WHEREAS, It is in the interest of the contracting parties to establish agreed upon rates for

the cost of outpatient evaluations and treatment; and evaluations and treatment necessary to the evaluations, if inpatient, at the RMHIs and establish how said cost will be paid and a timeline for payment; and

WHEREAS, Shelby County Government desires to enter into an agreement with State of Tennessee Department of Mental Health and Developmental Disabilities for the aforementioned services, commencing July 1, 2009 and continuing through June 30, 2010; and

WHEREAS, Funds are available in the FY 2010 operating budget in account number 044-800101-9521, Commissioners Contingency - Special Contingency Fund (\$300,000); 044-800101-9520, Commissioners Contingency – Commissioners Contingency Fund (\$75,000); and 010-201201-9534, Central Operations – Mayor’s Contingency (\$75,000), for transfer for this purpose; and

WHEREAS, The Shelby County Board of Commissioners believes that the 2009 amendments to Tennessee Code Annotated which statutorily obligate the local government to pay the cost of outpatient and inpatient evaluation and treatment impose an unfunded mandate on local government and should be repealed in 2010; and

WHEREAS, The Shelby County Board of Commissioners hereby directs the Administration to draft a resolution to be brought forth and passed at its next scheduled meeting that will repeal changes made in 2009 that obligate local government to pay for said services.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the contract with the State of Tennessee Department of Mental Health and Developmental Disabilities for the period of July 1, 2009 through June 30, 2010 is hereby approved.

BE IT FURTHER RESOLVED, That the FY 2010 operating budget is hereby amended by transferring funds in the amount of \$450,000.00 from accounts 044-800101-9521, Commissioners Contingency - Special Contingency Fund (\$300,000); 044-800101-9520, Commissioners Contingency – Commissioners Contingency Fund (\$75,000); and 010-201201-9534, Central Operations – Mayor’s Contingency (\$75,000) to account 010-480401-6655, Community Services,

Special Funded Projects – Medical Services, for this purpose, and that said funds are hereby appropriated from Fund 010-480401-6655 for this contract.

BE IT FURTHER RESOLVED, That said contract provides the option to renew for additional one-year increments not to exceed a total contract term of five (5) years. Said renewals are hereby approved subject to the annual appropriation of funds for each renewal term's corresponding Fiscal Operating Year by Shelby County Government. In the event sufficient funds for said renewals are not appropriated by the Board of Commissioners for the fiscal periods relating to any new renewal term, then the contract will be terminated.

BE IT FURTHER RESOLVED, That the County Mayor is authorized to execute the aforementioned contract amendment, which will be kept on file in the Purchasing Department.

BE IT FURTHER RESOLVED, The Shelby County Board of Commissioners hereby directs the Administration to draft a resolution to be brought forth and passed at its next scheduled meeting that will repeal changes made in 2009 to Tennessee Code Annotated Title 33, Chapter 7, Part 3 that create an unfunded mandate obligating local government to pay for said services.

\_\_\_\_\_  
Joe Ford, Interim Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of County Commission

ADOPTED: \_\_\_\_\_

## **Summary Sheet**

### **I. Description**

This resolution approves a contract with the State of Tennessee Department of Mental Health and Developmental Disabilities for the provision of outpatient and inpatient evaluations and treatment services to defendants charged with misdemeanor offenses, appropriates funds for said purpose and directs the Shelby County Administration to draft and present legislation amending Tennessee Code Annotated Title 33, Chapter 7, Part 3, relative to the provision of said services.

Tennessee Code Annotated Title 33, Chapter 7, Part 3 was amended in 2009 to require local government to pay for both inpatient and outpatient mental health evaluations and treatment services for defendants charged with misdemeanor offenses. Until this change was made, local government only paid for outpatient mental health evaluations and treatment services. The requirement to pay for inpatient services could result in a significant cost to Shelby County Government, estimated at this time to be approximately \$450,000 per year.

This amendment poses an unfunded mandate on local governments and every effort should be made to repeal the changes made to Tennessee Code Annotated in 2009 that led to this situation.

### **II. Sources and Amount of Funding**

Funds are available for transfer from accounts 044-800101-9521, Commissioners Contingency - Special Contingency Fund (\$300,000); 044 800101-9520, Commissioners Contingency – Commissioners Contingency Fund (\$75,000); and 010-201201-9534, Central Operations – Mayor’s Contingency (\$75,000), to account 010-480401-6655, Community Services, Special Funded Projects – Medical Services, for this purpose.

### **III. Contract Items**

- A. Type of Contract – Provision of outpatient and inpatient evaluations and treatment services to defendants charged with misdemeanor offenses.
- B. Terms – One year beginning July 1, 2009; renewal for additional one-year increments not to exceed a total contract term of five (5) years.
- C. Amount – Estimated to be \$450,000.00 annually.

### **IV. Additional Information Relevant to Approval of this Item**

Contract is attached.